

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

CITY COUNCIL MEETING - OCTOBER 21, 2024 AT 5:00PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Mark Dion, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

<https://portlandme.portal.civicclerk.com/event/7363/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

SPECIAL MEETING:

Annual Meeting of the Corporator of the Portland Development Corporation

At the PDC Board of Directors Annual Meeting held on September 19, 2024, the PDC voted 7-0 to forward its FYE2024 Annual Report to the City Council as a communication.

Pursuant to the Bylaws of the Portland Development Corporation (PDC), the Portland City Council, as Corporator of the Portland Development Corporation, shall hold its annual meeting in the month of September each year or at a special meeting.

This year's Annual Meeting Agenda includes:

1. Receiving as a communication the attached PDC FYE 2024 Activity and Financial Reports;
2. Transacting other business as may be deemed necessary.

PDC FYE2024 Activity

During FY2024, the PDC invested just over \$1.43 Million in 85 businesses. This includes 3 commercial loans totaling \$457,688, which leveraged over \$1.8 Million in private commercial investment. Loans were made to a hotel and two restaurants.

One Brownfield Assessment grant was made totaling \$574,700 in support for Phase II of Portland Housing Development Corporation's Front Street affordable housing project.

Lastly, with additional ARPA Funding allocated by the City Council, the PDC awarded grants of \$5,000 to 81 low-moderate income micro business owners, totaling \$405,000. Businesses used the grants for a variety of needs such as marketing, inventory, rent, and payroll.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting- October 7, 2024

PROCLAMATIONS:

Proclamation 16-24/25 Honoring Liz Collado of the Parks, Recreation, and Facilities Department as Employee of the Month for September 2024 - Sponsored by Mark Dion, Mayor

Proclamation 17-24/25 Celebrating 150 Years of the First Lutheran Church - Sponsored by Mark Dion, Mayor

Proclamation 18-24/25 Condemning Antisemitism and Islamophobia in Portland, Maine - Sponsored by Pious Ali, City Councilor

CONSENT ITEMS:

Order 64-24/25 Granting Municipal Officers' Approval of Freedoms Edge LLC, dba Freedoms Edge. Application for Indoor Entertainment at 31 Diamond Street - Sponsored by Danielle P. West, City Manager

Application was filed on 9/19/24. Existing establishment adding entertainment. New City application.

Five affirmative votes are required for passage after public comment.

Order 65-24/25 Granting Municipal Officers' Approval of Sea Winn Inc, dba Kon Asian Bistro. Application for Class XI Restaurant/Lounge at 1140 Brighton Ave - Sponsored by Danielle P. West, City Manager

Application was filed on 9/20/24. This is a change of ownership of an existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 66-24/25 Granting Municipal Officers' Approval of Better Burger Old Port LLC, dba Elevation Burger. Application for Class IV FSE with Outdoor Dining on Private Property at 205 Commercial Street - Sponsored by Danielle P. West, City Manager

Application was filed on 9/26/24. This is a change of ownership of an existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 3-24/25 The 2023 Fossil Fuel Infrastructure Report - Troy Moon, Sustainability Director

Chapter 14 requires the Sustainability Director to annually publish and present a report detailing the City's use of and reliance on fossil fuels, including:

- A survey of all new buildings built in Portland without fossil fuel-based infrastructure
- A survey of green building technologies that have been implemented as alternatives to fossil fuels
- An assessment of the benefits of adopting this policy
- A survey of relevant legislation enacted at the state and local level
- A proposal for further changes to City Code to reduce the use of fossil fuels

As a communication this item requires no public comment or formal Council action.

RESOLUTIONS:

Resolve 4-24/25 Reduce the Syringe Exchange Ratio to 1:1 in Recognition of Community Safety Concerns - Sponsored by Mark Dion, Mayor

The Mayor seeks a resolution urging the City Manager to reduce the syringe exchange ratio at the City-operated syringe services program (SSP) to 1:1. This resolution acknowledges community safety concerns that have been raised regarding the improper disposal of used syringes, while at the same time acknowledging the vital role of SSPs in preventing the spread of blood-borne diseases.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 62-24/25 Appropriating \$936,479.26 in Opioid Settlement Funds to the Department of Health and Human Services for Three Opioid Remediation Programs - Sponsored by Health & Human Services & Public Safety Committee, April Fournier, Chair

On September 10, 2024, the HHS & PS Committee voted unanimously to support this item and recommend it to the Council for approval.

If approved by the City Council, these funds would be combined with \$450,000 in opioid settlement funding accepted by the City Council as part of the FY25 budget process. The total amount of approximately \$1.38 million would be used to fund up to three specific programs, as funds allow. These programs are listed below in priority order and as described in the order itself:

- Syringe Redemption Program
- Day Space
- On-Peninsula Methadone Treatment Program

City staff plan to operate the syringe redemption pilot program at an estimated annual

cost of \$52,000. Staff would solicit proposals for the operation of a day space and/or methadone treatment program via an RFP process.

This item must be read on two separate days. It received its first reading on October 7. Five affirmative votes are required for passage after public comment.

Order 63-24/25 Appropriating \$5,630,000 in Funds for the Kiwanis Pool Replacement Project - Sponsored by Danielle P. West, City Manager

This agenda item appropriates \$5.63M of additional funding necessary to complete the Kiwanis Pool Replacement project. The project had stalled after bid prices came in higher than the original estimate. The Finance Committee requested that staff identify funding to close the gap and complete the project. This order appropriates future proceeds from an anticipated \$1M in private donations and \$4.63M of interest income.

This item must be read on two separate days. It received its first reading on October 7. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 67-24/25 Approving the Second Amendment to Purchase and Sale Agreement with Maine Cooperative Development Partners LLC for 165 Lambert Street - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee met on September 3, 2024 and voted (3-0, Rodriguez absent) to recommend to the City Council approval of a Second Amendment to the Purchase and Sale Agreement with Maine Cooperative Development Partners LLC re: 165 Lambert Street.

Maine Cooperative Development Partners (MCDP) is proposing to create a limited-equity cooperative with 90 homes, on city-owned property at 165 Lambert Street. The development will include 2 studios, 40 one-bedroom units, 20 two-bedroom units, and 28 three-bedroom units. MCDP has a signed Purchase and Sale Agreement with the City of Portland that requires the units to remain affordable to households up to 100% (\$127,500 Family of 4, 2024) of the area median income for 99 years. The project will comply with the City's Green Building Ordinance. While the development process is moving forward, the timeline needs to be adjusted to accommodate additional time required to finalize financing of the project. The developer anticipates a construction loan closing will occur no later than August 30, 2025. City Staff would prefer that the sale of the property occur at the same time as the construction loan closing and therefore, staff is requesting an amendment to the Purchase and Sale Agreement to allow for the closing of the property to occur on or before August 30, 2025.

Five affirmative votes are required for passage after public comment.

Order 68-24/25 Approving Host Site Lease Agreement with Gridwealth EV LLC for 2600 Square Feet of Land at 140 Marginal Way for Four Electric Vehicle Charging Stations - Sponsored by the Sustainability and Transportation Committee, Regina Phillips, Chair

On October 7, the Sustainability and Transportation Committee recommended passage of this Order that authorizes the City Manager to execute a Host Site Lease Agreement with

Gridwealth LLC to install four DC fast chargers in the Marginal Way parking lot near Miss Portland Diner. On April 4, 2023, the Housing and Economic Development Committee reviewed and approved staff's proposal to install charging at this location.

Demand for EV charging infrastructure continues to increase as more and more Portland residents and visitors purchase and operate electric vehicles. Staff identified the Marginal Way parking lot near the Miss Portland Diner as an ideal location for DC Fast Chargers because of its proximity to Interstate 295 as well as amenities such as dining and shopping. It is also located in proximity to existing multi-tenant housing. Earlier this year, Efficiency Maine Trust issued an RFP seeking locations to install DC fast chargers along designated travel corridors as part of the Federal NEVI program. Two different charging companies submitted proposals using the Marginal Way location as the basis of their proposal. Gridwealth LLC was successful and has entered into an agreement with EMT to install the equipment. City staff have worked with representatives from Gridwealth LLC on a license agreement with Gridwealth LLC for them to install, own, and operate charging equipment that includes four plugs. As part of the Agreement, Gridwealth LLC will pay the City \$12,000 per year. This will occupy five existing parking spaces and will include a handicap accessible charging station. The necessary transformers and switchgear will be installed in the space between the existing curb and I-295. Per the agreement, Gridwealth LLC will be fully responsible for the operation and maintenance of the charging equipment. The City will retain the responsibility for plowing and routing parking lot maintenance. We have already determined that the local distribution circuit has capacity to serve the installed charging equipment. Moving forward with the agreement will make driving electric vehicles more convenient and help spur further adoption of EVs.

Staff met with the Housing and Economic Development Committee in April 2023 to discuss the plan to install EV chargers in the Marginal Way parking in order to ensure that this would not conflict with future opportunities to support housing. The Committee agreed that installing charging near the Miss Portland Diner would not impact future housing development and aligned with City goals to support electrification of transportation.

Five affirmative votes are required for passage after public comment.

Order 69-24/25 Approving Agreement of Right of First Refusal with Hemlock House Development, LLC Regarding the Sale of Tax-Acquired Property at Diamond Cove -- Former Fort McKinley Hospital Building - Sponsored by Danielle P. West, City Manager

At the September 3, 2024, Housing and Economic Development Committee (HEDC) meeting, the Committee voted 3-0 to forward this item to the City Council with a recommendation of approval to authorize the Purchase and Sale Agreement for the subject property.

By way of background, the City Council authorized the RFP for sale of this property at its April 25, 2022, meeting. The RFP was then advertised May 10, 2022, with Proposals due July 12, 2022; none were received at that time and the process was placed on hold.

The RFP was then re-issued on February 16, 2024, with stated interest in the property from the development community with Proposals due March 28, 2024. The City

received one proposal from Hemlock House Development, LLC, with a concept plan to develop nine (9) market-rate condos, with units ranging from 1,500 to 2,600 square feet in compliance with current IR Zoning. Each of the units would have 2.5 baths, and there would be 3, 4-bedroom units and 6, 3-bedroom units. The estimated timeline for project completion is May 2027.

With recent amendments to applicable laws governing the sale of tax-acquired property (36 M.R.S. § 943-C), particularly the recent requirement that such property be listed with a real estate broker and excess sales proceeds returned to the prior owner, the City Council is now being asked to approve the proposed Agreement of Right of First Refusal, rather than a purchase and sale agreement, for the property

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

Order 70-24/25 Amendment to Portland City Code Chapter 14 RE: ReCode Phase II - Sponsored by the Planning Board, Brandon Mazer, Chair

On October 8, 2024, the Planning Board voted unanimously (7-0) to recommend the work products of Phase II of ReCode, the city's initiative to comprehensively rewrite the City of Portland land use code and amend the zoning map. This recommendation also includes minor amendments to the existing conditional rezoning agreement for properties in the vicinity of Diamond Cove and Great Diamond Island. The Planning Board found the amendments to be consistent with the City of Portland's comprehensive plan. The Board recommends these proposals to the City Council for adoption without amendments. The Council's review of ReCode Phase II follows five Planning Board workshops and one public hearing where the Planning Board considered these draft products of ReCode Phase II, reviewed revisions to previously-presented materials, and heard public comment.

This item must be read on two separate days. This is its first reading.

Order 71-24/25 Amendment to the City of Portland Zoning Map - Sponsored by the Planning Board, Brandon Mazer, Chair

This is a companion order to the order above.

This item must be read on two separate days. This is its first reading.

Order 72-24/25 Amendment to the Conditional Zone Agreement RE: Diamond Cove, Great Diamond Island - Sponsored by the Planning Board, Brandon Mazer, Chair

This is a companion order to the two orders above.

On October 8, 2024, the Planning Board unanimously (7-0) recommended that the City Council adopt this amendment. On July 15, 1985, during rezoning of certain City islands, the Portland City Council approved the rezoning of land situated on the northerly portion of Great Diamond Island and commonly known as the Fort McKinley property from R-2 Residential Zone to the IR-3 Island Residential Zone, subject to certain conditions and restrictions more particularly described in a conditional zoning agreement (hereinafter "Conditional Zoning Agreement"). Conditional Zoning Agreement has since been

amended four times, first by Order 33-04-05 on August 2, 2004, second by Order 55-08/9 on August 18, 2008, third by Order 55-08/09 on August 18, 2008 and fourth by Order 114-11/12 on February 6, 2012. As part of ReCode Phase II, the amended Zoning Map and text amendments to Chapter 14 eliminate the IR-3 Zone. This proposed amendment consolidates the IR-3 Island Residential Zone description with the Conditional Zoning Agreement and corrects a typographical error in the first paragraph of the agreement. The amendment does not substantively change the existing zoning, conditions or restrictions currently applicable to the subject property but are necessary to provide clarity.

This item must be read on two separate days. This is its first reading.

EXECUTIVE SESSION:

ADJOURNMENT: